

By: Moody

H.B. No. 2930

A BILL TO BE ENTITLED

AN ACT

relating to the offense of obstructing a highway or other passageway; modifying criminal penalties.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 42.03, Penal Code, is amended to read as follows:

Sec. 42.03. OBSTRUCTING HIGHWAY OR OTHER PASSAGEWAY. (a) A person commits an offense if, without legal privilege or authority, the person [~~he~~] intentionally, knowingly, or recklessly:

(1) obstructs a highway, street, sidewalk, railway, waterway, elevator, aisle, hallway, entrance, or exit to which the public or a substantial group of the public has access, or any other place used for the passage of persons, vehicles, or conveyances, regardless of the means of creating the obstruction (including the use of U.S. mail, a common or contract carrier, interagency mail, or a telecommunications device) and whether the obstruction arises from the person's [~~his~~] acts alone, [~~or~~] from the person's [~~his~~] acts and the acts of others, or the acts of others; or

(2) disobeys a reasonable request or order to move issued by a person the actor knows to be or is informed is a peace officer, a fireman, or a person with authority to control the use of the premises:

(A) to prevent obstruction of a highway or any of those areas mentioned in Subdivision (1); or

1 (B) to maintain public safety by dispersing those
2 gathered in dangerous proximity to a fire, riot, or other hazard.

3 (b) As used in [~~For purposes of~~] this section: [~~7~~]

4 (1) "obstruct" means:

5 (A) to render impassable; or

6 (B) to render passage unreasonably inconvenient
7 or hazardous, including an action that is more likely than not to
8 cause accident or mishap to one or more persons making passage,
9 including the actor.

10 (2) "telecommunications device" has the meaning
11 assigned by Section 33A.01(7).

12 (c) It is an affirmative defense to prosecution of an
13 offense under this section that the person caused an obstruction in
14 order to prevent the commission of a crime; to report suspicious or
15 unreasonable activity; or to summon the aid of law enforcement,
16 fire suppression, or medical assistance.

17 (d) This section does not apply to a person acting for a
18 governmental entity in an official capacity or a person licensed by
19 a government entity to engage in an activity that causes a temporary
20 obstruction.

21 (e) An offense under this section is a Class B misdemeanor,
22 unless it is shown on the trial of the offense that the defendant
23 has not been previously convicted at least one time of an offense
24 under this section, in which event the offense is punishable as a
25 Class C misdemeanor.

26 SECTION 2. The change in law made by this Act applies only
27 to an offense committed on or after the effective date of this Act.

1 An offense committed before the effective date of this Act is
2 governed by the law in effect on the date the offense was committed,
3 and the former law is continued in effect for that purpose. For
4 purposes of this section, an offense was committed before the
5 effective date of this Act if any element of the offense occurred
6 before that date.

7 SECTION 3. This Act takes effect September 1, 2017.